

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Daquian Demand Nicholson**

**Docket No. 5:13-CR-76-2FL**

**Petition for Action on Supervised Release**

COMES NOW Timothy L. Gupton, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Daquian Demand Nicholson, who, upon a finding of guilt by jury to Possession of a Firearm With an Obliterated Serial Number and Possession of a Firearm and Ammunition by a Felon, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on June 17, 2014, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Daquian Demand Nicholson was released from custody on June 7, 2024, at which time the term of supervised release commenced. On July 3, 2024, a Violation Report was issued advising of drug use (marijuana). A verbal reprimand was issued, and Nicholson was instructed to follow up with a referral for a substance abuse assessment. He was also instructed to continue to participate in the Surprise Urinalysis Program (SUP). Based on these actions by the probation officer, no court action was taken. Additionally, on July 10, 2024, after a substance abuse assessment recommended a psychiatric evaluation and medication monitoring for the defendant, a Petition for Action was signed adding a mental health condition.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On July 17, 2024, Nicholson tested positive for marijuana. The defendant admitted to using marijuana due to stress related to his wife's health and signed an Admission of Use Form. A verbal reprimand was issued, and his treatment provider was notified of the positive urinalysis. An increase in his treatment plan was also recommended in an effort to intervene in the defendant's substance abuse addiction. As a sanction for his continued drug use, a 16-hour community service sanction is also recommended. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 16 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, the required fee is waived.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/Timothy L. Gupton  
Timothy L. Gupton  
Senior U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: 919-861-8686  
Executed On: August 2, 2024

**Daquian Demard Nicholson**  
**Docket No. 5:13-CR-76-2FL**  
**Petition for Action**  
**Page 2**

**ORDER OF THE COURT**

Considered and ordered this 8th day of August, 2024, and ordered filed and made a part of the records in the above case.

  
Louise W. Flanagan  
U.S. District Judge